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December 22, 2009

Hon. Frank Maas  
United States Magistrate Judge  
United States District Court  
500 Pearl Street  
New York, New York 10007

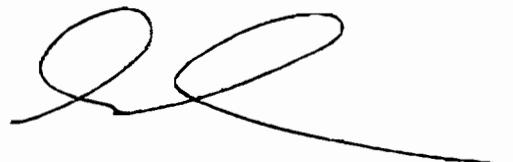
The Court will hold a telephone conference on 1/5/2010 at 10 AM. Mr.   
Bauer should initiate the call.  
Tillans, USMJ, 12/22/09  
Re: Banker v. Ai, 06 Civ 4998 (BSJ)(FM)

Dear Judge Maas,

By letter dated November 27, 2009, I requested that the Court allow defendant Amy Ai additional time within which to satisfy her obligations under the settlement agreement negotiated by the Court on October 30, 2009. The Court graciously granted my application. The additional time, however, did not lead to consummation of the settlement. Counsel for Ms. Ai informs me that she remains unable to fund her portion of the settlement. All other parties, I should note, completed performance as pledged on October 30, 2009.

Litigation of this action should resume. I respectfully apply by this letter for restoration of this action to the calendar of the Court, and I respectfully request that a conference be scheduled so that a briefing schedule for dispositive motions may be set.

Respectfully submitted,



Brooks Banker, Jr.

cc: Edward Boyle, Esq.  
Colin Kaufman, Esq  
Brett Carrick, Esq.  
Joan Faley, Esq.  
John Somoza, Esq.  
Robert Giusti, Esq.

USDC SDNY
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